

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39264 of 2021

Arising Out of PS. Case No.-555 Year-2019 Thana- NAUBATPUR District- Patna

Mukesh Kumar S/O Manu Ram R/o village- Ibrahimpur (Nagwan), P.S.-
Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 27-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Kumar Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Naubatpur P. S. Case No. 555 of 2019 giving rise to Sessions Trial No. 406 of 2020 registered for the offences punishable under Sections 304 (B) read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the sister of the informant was solemnized with the



petitioner in the year 2018 but soon thereafter, the victim was subjected to demand of dowry and torture. On 21.08.2019, the informant received an information that his sister was killed by administering poison.

Learned counsel appearing on behalf of the petitioner submitted that there is general and omnibus allegation against all the family members and no specific allegation has been levelled against the petitioner. It is further submitted that in fact, on account of the death of her newly born female child, the victim came in depression and thereafter, she herself committed suicide and this fact has also been supported by the independent witnesses during the course of investigation. It is next submitted that during the course of investigation it has come that the deceased on the alleged fateful day closed her door from inside and she consumed poison and when she did not open the door thereafter, all the villagers and the petitioner came and broke the door and she was brought out from the room. It is subsequently submitted that even during the course of investigation, no external injury on the body of the deceased was found and moreover, this petitioner is in custody since 22.10.2019 and till date only charge has been framed and the summons have been issued against the prosecution witnesses.



On the other hand, learned APP for the State opposes the bail application and submits that the petitioner happens to be husband of the deceased and there is specific allegation with regard to torture and demand of dowry.

Having considered the submissions made on behalf of the parties and taking into account the fact that during the course of investigation, independent witnesses have categorically stated that the deceased has committed suicide and moreover, the petitioner is in custody since 22.08.2019 and till date only charge has been framed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge III, Danapur, Patna in connection with Naubatpur P. S. Case No. 555 of 2019 giving rise to Sessions Trial No. 406 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.



- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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